

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MANZANO OIL CORPORATION, et al.,

Plaintiffs,

v.

Civil No. 00-178 WWD/KBM

CHESAPEAKE OPERATING, INC.,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court upon Plaintiff's Motion for Partial Summary Declaratory Judgment, filed July 5, 2001 (**Doc. 25**). This is an oil and gas lease case which presents the issue of whether Defendant Chesapeake Operation, Inc., as lessee, took action necessary under the express terms of an oil and gas lease dated August 3, 1995 to extend the primary term of that lease beyond its August 3, 1998 expiration date. In the present motion, Plaintiffs request that the Court enter a declaratory judgment holding that the lease in question has expired as a matter of law.

Defendant has filed a cross-motion for partial summary judgment concerning the identical issue, and on which the Court has ruled in favor of Defendant.¹ See Schmidt v. Farm Credit Svs., 977 F.2d 511 (10th Cir. 1992) (when parties file cross-motions for summary judgment, court should award summary judgment to the party which is entitled to judgment as a matter of law in light of the undisputed facts). Given the Court's disposition of Defendant's cross-motion, the instant motion is hereby DENIED.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

¹ The Memorandum Opinion and Order granting partial summary judgment to Defendant will be entered contemporaneously with this Order.